

United States Senate
July 31, 2014

COMMITTEES:
APPROPRIATIONS
BANKING, HOUSING & URBAN AFFAIRS
HEALTH, EDUCATION, LABOR & PENSIONS
AGING

The Honorable Robert McDonald
Secretary
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

Dear Secretary McDonald:

Congratulations on your confirmation as Secretary of Veterans Affairs. An institution founded to provide our nation's heroes with the medical care they deserve, the VA has unfortunately become marred in unacceptable bureaucratic problems and plagued with systemic corruption. You are now charged with the sacred and urgent responsibility of fixing this agency and elevating its performance to the level that those who selflessly served their country deserve.

When we met prior to your confirmation hearing, I spoke to you about the mounting evidence my office had uncovered of delayed and negligent care, secret wait lists, and appointment scheduling manipulation. Additionally, I shared with you my concerns that a pervasive culture of corruption and systematic retaliation against whistleblowers existed at the Hines VA and was being perpetuated by the leadership there. I was adamant that upon your confirmation you look directly at Hines and investigate these allegations diligently. Unfortunately, today I write you with urgent concerns of retaliation against a crucial whistleblower that demand your immediate attention.

Last Friday, Mr. Rob Nabors, the White House Deputy Chief of Staff, visited Hines VA and met with Director Joan Ricard, members of the Hines VA staff, Senator Durbin, several representatives from Congressional offices, and myself. Prior to this meeting, I asked Mr. Nabors to meet privately with a group of Hines whistleblowers who approached my office and a veteran whose wait times had manipulated at least 57 times over the course of four years. One of those whistleblowers, Ms. Germaine Clarno, is a social worker at Hines and the President of the American Federation of Government Employees (AFGE) Local 781, which represents Hines employees. Ms. Clarno has been vocal about her involvement with my office as a whistleblower, and has helped many employees muster the courage to come forward with evidence of negligence, cover-ups, and corruption at Hines. I believe that Mr. Nabors left that meeting impressed and gravely concerned with the mounting evidence of corruption and malfeasance of the leadership at Hines.

Following this meeting, Ms. Clarno has experienced retaliation at Hines. The following is the timeline of retaliatory events involving Ms. Clarno and all correspondence are attached:

Tuesday, July 29:

- While working on her AFGE computer, Ms. Clarno receives a message on her computer screen that she needed to contact the IT department. Ms. Clarno is informed by IT that someone is coming to remove her computer per orders of the VISN.
- After locking her door and refusing to hand over her AFGE computer, Ms. Clarno sees that her computer is being accessed remotely and that someone is attempting to copy files from her hard drive. Ms. Clarno immediately turns off her computer.
- A female named Val from IT attempts to contact Ms. Clarno via telephone while accessing her files, accidentally leaving her a voicemail where she can be heard saying “She turned off the PC on me! She turned off the PC on me! She turned it off in in the middle of copying the files!”
- Dawn Williams, the Chief of the IT department calls Ms. Clarno and informs her that if she did not surrender her computer by 4pm she would be taken off the VA network. Ms. Williams told Ms. Clarno that there was an “encryption issue.” When asked by Ms. Clarno how many other computers at Hines had this issue and needed to be taken for IT work, Ms. Williams informed Ms. Clarno that hers was the only computer at Hines that had the “encryption issue.”
- Ms. Clarno contacts her union attorney, J. Ward Morrow. Mr. Morrow sends Hines VA leadership, Director Joan Ricard and Dawn Howard Williams, the Chief of IT Department, a Cease and Desist letter, demanding that Ms. Clarno be given access to her AFGE computer. The letter reads:
 - “Dear Ms. Williams and Ms. Ricard: It has come to the attention of the national office of AFGE that you are attempting to access and tamper with the computer records, hard drive, and/or other files that Ms. Clarno maintains in her representational capacity for AFGE. United States Code protects the legal right of such representation and the employees/members of Hines VA facility now have their right to come to the union and speak freely compromised. Additionally, we view this as a violation of federal law, Ms. Clarno’s rights under federal law, and all of the members of the AFGE locals’ rights under federal law. By this email, we now assume that you are making this violation knowingly and intentionally, and if you do not immediately cease and desist from this action, we will be asking for any and all proper sanctions that may be allowed under federal law for this violation.”
- Joan Ricard, Director of Hines VA, replies “IT does not report to me” and refuses to answer any further as to why Ms. Clarno has had her AFGE computer files accessed/copied remotely and her computer locked.

Wednesday, July 30:

- Brent Pope, Regional Counsel, Region 10-Chicago, U.S. Department of Veterans Affairs emails Mr. Morrow that the lock of Ms. Clarno's computer was for a "CRISP" (Continuous Readiness in Information Security Program) initiative, that **only one** computer at Hines was flagged for needing "encryption" in this initiative and it was a coincidence that the **one** computer flagged at Hines happened to be Ms. Clarno's.
- Robert Tanjauakio, the Chief Information Officer at Hines, comes to Ms. Clarno's office to take her computer. He tells her that there was a misunderstanding, that this was a network wide project, and her computer needs to be removed. Ms. Clarno asks Mr. Tanjauakio how many other computers need to be removed for the project and he informs Ms. Clarno that out of the 3,600 computers on the network hers was the only one at Hines that needed to be removed.
- Ms. Clarno remains locked out of using her computer and is therefore unable to complete necessary job tasks.

Every whistleblower that has contacted my office has consistently said that the culture of retaliation at Hines was pervasive, and that there was a palpable fear amongst employees to come forward with damaging information about the practices at Hines or the actions of Hines leadership. Germaine Clarno has been the voice of the employees since the VA scandal broke, and I fear she is now experiencing the same retaliatory aggression other whistleblowers have alleged.

We cannot begin to fix the VA if we do not know what the exact problems are, and without the help of employees that task is impossible. We must send a clear and unequivocal message: retaliation will not stand, and those in leadership positions that condone it, including Joan Ricard, will be held accountable.

Sincerely,



Mark Kirk
United States Senate